

REMARKS

Reconsideration of the present application is requested. Claims 1-29 are currently pending, with claims 1, 8 and 23 being independent.

Applicants acknowledge the Examiner's withdrawal of the rejection of claims 1-29 as unpatentable over U.S. Patent Publication No. 2002/0016718 ("Rothschild") and U.S. Patent Publication No. 2004/0088317 ("Fabrick"). Applicants also acknowledge the Examiner's withdrawal of the claim objections set forth in the previous Office Action.

Support for amended claims 1, 8 and 23 may be found, for example, in paragraph [0027] of Applicants' Specification.

ENTRY OF AMENDMENT AFTER FINAL REQUESTED

Applicants request entry of this Amendment After Final in that it only further clarifies limitations and features previously set forth, but does not raise any new issues requiring further consideration and/or search.

AN EXAMPLE EMBODIMENT OF THE PRESENT INVENTION

In at least one example embodiment, a second data processing device, 13, 13' and 13" (e.g., of FIG. 1), not only allows presentation of data to a non-technical user, but may also allow the non-technical user to alter patient record data. (*See, e.g., Applicants' Specification, [0027].*)

REJECTION UNDER 35 U.S.C. §103(a)

The Examiner rejects 1-29 under 35 U.S.C. §103(a) as allegedly being unpatentable over Rothschild, Fabrick and U.S. Patent No. 5,307,262 ("Ertel"). Applicants traverse this rejection.

Rothschild is directed to a medical image management system which functions as an applications service provider (ASP). In particular, the system of Rothschild electronically delivers medical images in electronic record form to non-technical persons, such as, physicians or healthcare providers. The delivered medical images are electronically stored in three separate

locations, and secure access to the stored image is provided. The system of Rothschild also provides clinical and visual applications for remote users.

Fabrick is directed to a system, software, graphical user interface (GUI) and method for providing information relating to a patient's medical condition to a healthcare provider. In Fabrick, a healthcare provider can interactively and dynamically construct custom queries for retrieving data to meet personal requirements of the healthcare provider.

Ertel is directed to a method and system for reviewing and controlling clinical data quality in reporting of hospital claims. Particularly, the method and system and Ertel performs data quality checks and generates turnaround documents establishing communications between coders and physicians in order to obtain the best description of a case for reporting purposes.

The Examiner appears to rely on the processor 250 of Fabrick to allegedly teach the "second data processing device," of claim 1. However, the processor 250 of Fabrick does not use report masks "to present and alter data from data objects, even without knowledge of the syntax of the data objects," as required by claim 1. By contrast, the processor 250 of Fabrick only enables creation and modification of custom queries 240 based on categories and rules selected by a medical provider 50. *See, e.g., Fabrick* at [0034]. That is, Fabrick only discloses the ability to alter the query for retrieving medical data using the processor 250. Fabrick, however, presents no teaching indicating that the healthcare provider is capable of altering the retrieved data using the processor 250. Moreover, as correctly recognized by the Examiner, neither Rothschild nor Ertel teach or suggest this feature.

Therefore, because none of Rothschild, Fabrick or Ertel teach or suggest the above-discussed feature of claim 1, the combination of references (assuming *arguendo* the references could be combined, which Applicants do not admit) cannot teach or fairly suggest the data processing system of claim 1. Claims 8 and 23 are also allowable over the Examiner's

combination of Rothschild, Fabrick and Ertel for at least reasons somewhat similar to those set forth above with regard to claim 1. Claims 2-7, 9-22 and 24-29 are also in condition for allowance at least by virtue of their dependency from independent claims 1, 8 or 23.

CONCLUSION

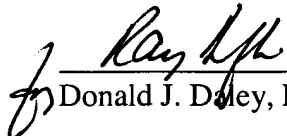
Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-29 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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